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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,847	01/22/2004	Cem Besceri	102-0075US-3	5872

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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
P.C.
20333 SH 249
SUITE 600
HOUSTON, TX 77070

EXAMINER

CHEN, BRET P

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,847

Applicant(s)

BESCERI ET AL.

Examiner

B. Chen

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39,42-45,48-50,54,56 and 58-64 is/are pending in the application.

4a) Of the above claim(s) is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 39,42-45,48-50,54,56 and 58-64 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

- a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claims 39, 42-45, 48-50, 54, 56, and 58-64 are pending in this application, which is a DIV of Serial Number 10/230,874. Amended claims 39, 42, 45, 48, 54, 60 and canceled claims 40-41, 46-47, 51-53, 55, 57 are noted.

The amendment dated 10/18/05 has been entered and carefully considered. The examiner appreciates the amendments to the title and abstract and the claims. In view of said amendments, the objections to the title and abstract and the previous art rejection have been withdrawn.

Specification

The disclosure is objected to because of the following informalities listed below. Appropriate correction is required.

In the first paragraph of the specification, an updated lineage should be provided.

In paragraphs 31, 35, references to websites should be removed.

Claim Rejections - 35 USC § 112

Claims 39, 54, 60 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 39 line 4, the term “piezoelectric flow regulators” is deemed new matter as there appears to be no support for such a limitation in the original specification. It should be noted that there is support for piezoelectric actuators. The same issue applies to claims 54 and 60.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 39, 42-45, 48-50, 54, 56, and 58-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Felts (6,015,595) in view Beattie et al. (4,733,530). Felts discloses a multiple source deposition plasma apparatus which utilizes a first gas inlet and a second gas inlet to deposit a material on a substrate in a vacuum chamber (col.1 line 61 – col.2 line 21). The use of flowmeters, regulators, and valves are utilized to control the flow rate (col.4 lines 17-44). However, the reference fails to teach the use of piezoelectric flow regulators.

Beattie discloses a multiple hollow cathode device in which the flow of vaporized material is regulated (col.5 lines 30-41). In one embodiment, the use of piezoelectric flow regulators are utilized (claim 5). One skilled in the art knows that there are many ways of regulating flow rates and that one would consider cost and precision before determining which controllers to utilize. It would have been obvious to utilize the piezoelectric flow regulators of Beattie in Felts process with the expectation of obtaining similar results.

The limitations of claims 42-45, 48-50, 54, 56, and 58-64 have been addressed above.

Response to Arguments

Applicant's arguments with respect to the previous claims have been considered but are moot in view of the new ground(s) of rejection.

It is noted that the applicant argues that the instant claims are directed to flow regulators which are piezoelectric which distinguish over Strang (p.8 third paragraph). The argument is deemed persuasive and hence, the new rejections recited above.

Applicant also argues that there is no law, rule, or MPEP provision justifying the removal of websites (p.7).

The examiner disagrees. MPEP 608.01 states that

“If hyperlinks and/or other forms of browser-executable code are embedded in the text of the patent application, examiners should object to the specification and indicate to applicants that the embedded hyperlinks and/or other forms of browser-executable code are impermissible and require deletion.”

It is the examiner's position that the websites should be deleted.

Applicant's arguments have been considered but are not deemed persuasive.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37


CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. Chen whose telephone number is (571) 272-1417. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bc
12/22/05

BRET CHEN
PRIMARY EXAMINER